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REMARKS

Reconsideration of the above-referenced application is respectfully requested in view of the above amendments and these remarks. Claims 1-39 are currently pending.

In the Office Action, claims 13-19 and 29-35 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant notes with appreciation that the subject matter of these claims is deemed to be allowable if rewritten to include all limitations of the superseding and rejected claims. Applicant wishes to reserve the right to rewrite these claims, should further discussions regarding the base and superseding claims prove unrewarding.

Claims 1-7, 23, 25-28 and 36-39 are rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent Application Publication No. 20020051432 to Shin. Applicants respectfully traverse this rejection. Shin is directed to a method and system of performing a handoff between different mobile communication networks having first and second cells and a gateway cell. The handoff is performed using a gateway, wherein one frequency is used by the first cell and a first sector of the gateway, and a second frequency is used by the second cell and a second sector of the gateway. On the other hand, the present invention is directed to handing over a call from a first wireless communication network to a second communication network. To make the handover, the present invention initiates a handover call while the first call is ongoing. The handover call is made to a separate handover number while the wireless communication unit is on the second communication network. The handover number is used to facilitate the handover of the ongoing communication of the first call.

It appears from the comments and the paragraphs cited from Shin that the controller of the wireless communication unit of claim 1 is equated to the controller (32) in the gateway station (30). Thus, it appears that the wireless communication unit is being equated to the gateway station. The present invention is directed to the operation of the wireless communication unit and obtaining the handover number used to accomplish the handover. The wireless communication unit is different from the gateway station or another network device. The gateway station supports wireless communication unit. It is

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respectfully submitted the wireless communication unit of the present invention is not equivalent to the gateway station relied upon as prior art.

Without being specific, the Office Action suggests that Shin discloses "obtaining a handover number that terminates on a mobility manager associated with the first communication network." As described in the Specification, a handover number may be called from or by a wireless communication unit using the second network. See page 6, lines 15-16. Furthermore, the Specification states that "the handover number is chosen or provided or selected such that a call placed by the wireless communication unit after appropriate registration, etc. to the handover number via the second communication network will be routed through the network switching function 112 or MSC to the network switching function 110, and terminate within the first communication network at the other network entity, such as the mobility manager 116." Page 16, lines 3-8. Accordingly, the handover number is a specific number that is used by the wireless communication unit to call for the handoff.

Shin, on the other hand, teaches that all handoffs are processed by three standard messages: PSMM, EHDM and HCM. See Paragraph [0042]. As explained in the same paragraph, none of these messages is used for obtaining a handover number that terminates on a mobility manager associated with the first communication network. The paragraphs cited in the Office Action, i.e. [0005], [0007] and [0027] do not mention or refer in any way to a handover number to be called nor do they make reference to handover call that is made by using the handover number. These paragraphs only refer to the gateway station.

In addition, Shin does not make reference to making a second call, e.g. the handover call, while the first call is still ongoing. All that is done by Shin's mobile station is the receiving and sending of control channel messages like EHDM and PSMM. See Paragraphs [0042]-[0047]. The PSSM message can clearly not be considered to be initiating a new call since such messages are informing a base station that a cell or sector becomes a DROP candidate.

In view of the foregoing, it is respectfully submitted that Shin does not disclose the use of a handover number usable to facilitate a handover of ongoing communication of a first call of a wireless communication unit on a first wireless communication network

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wherein the handover is from the first communication network to the second communication network and wherein the handover is initiated by a handover call made by the wireless communication unit on the second communication network to the handover number while the first call is ongoing. Applicants therefore submit that independent claims 1 and 23 are not anticipated by Shin. As claims 2-7 depend upon claim 1 and claims 25-28 and 36-39 depend upon claim 23, Applicants also submit that the dependent claims are not anticipated by Shin. It is therefore respectfully requested that the rejection under Section 102(e) be withdrawn.

Claims 8-12, 20-22 and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shin in view of United States Patent Application Publication No. 2002/0126701 to Requena. Applicants respectfully traverse this rejection. Claim 9 is similar the amendments to claims 1 and 23 and includes the handover number to facilitate the handover of the ongoing communication so that a handover call is made by the wireless communication unit on the second communication network to the handover number while the first call is ongoing. As discussed above, the handover number and the handover call is not disclosed by Shin. In addition, these elements are not disclosed by Requena. Requena is directed to obtaining spatial information for use in an Internet Protocol network. The spatial information is used in providing the presence service in association with other user information, such as user identity.

The Office Action does note that the mobile station sets up a communication channel with a destination base station while maintaining the initial communication channel with the first base station. Shin and Requena do not provide any information, however, on the handover number because the mobile station does not initiate a second call, which uses the handover number. It appears that Shin and Requena related to standard CDMA calls and handoffs.

In view of the foregoing, it is respectfully submitted that the combination of Shaffer and Requena does not disclose, teach or otherwise suggest the handover number and handover call of the present invention. Accordingly, it is submitted that independent claim 9 is non-obvious over the cited references. In addition, it is submitted that claim 8, which depends upon claim 1, claims 10-12 and 20-22, which depend upon claim 9 and claim 24, which depends upon claim 23, are also non-obvious over the cited references

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for the same reasons. Applicant respectfully request that the rejection under Section 103(a) be withdrawn.

As the Applicants have overcome all substantive rejections and objections given by the Examiner and have complied with all requests properly presented by the Examiner, the Applicants contend that this Amendment, with the above discussion, overcomes the Examiner's objections to and rejections of the pending claims. Therefore, the Applicants respectfully solicit allowance of the application. If the Examiner is of the opinion that any issues regarding the status of the claims remain after this response, the Examiner is invited to contact the undersigned representative to expedite resolution of the matter.

Please charge any fees associated herewith, including extension of time fees, to 50-2117.

Respectfully submitted,
Belkin, Anatoly S., et al.

SEND CORRESPONDENCE TO:

Motorola, Inc.
Law Department

Customer Number: 22917

By:

Simon B. Anolick
Simon B. Anolick
Attorney for Applicant
Registration No.: 37,585
Telephone: 847-576-4234
Fax: 847-576-3750